



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
FROM DIRECTOR'S OFFICE

STEPHEN E. FELDMAN, P.C.
Attorneys for Applicant(s)
12 East 41st Street
New York NY 10017

NOV 03 2005

TECHNOLOGY CENTER 3800

In re Application of
Don Shattuck
Application No. 10/612,111
Filed: July 02, 2003
For: GASKET WITH INTEGRAL CHANNEL
AND PORT SEAL

: DECISION ON PETITION
: TO WITHDRAW THE
: HOLDING OF
: ABANDONMENT

This is a decision on applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on September 09, 2005. There is no fee for this petition.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action mailed July 06, 2004, which set a three-month shortened statutory period. A Notice of Abandonment was mailed on August 19, 2005. A reply was timely received on November 22, 2004, however, this reply was improper as noted in the Notice of Non-Compliant Amendment mailed January 31, 2005 which gave applicant a one-month extendable time period to correct the reply.

Petitioner contends that a response to the Notice of Non-Compliant Amendment mailed January 31, 2005 was filed on February 04, 2005. In support thereof, petitioner submits a copy of the postcard receipt bearing a USPTO stamp dated February 10, 2005. It is noted that the Application number on the copy of the response and post card receipt is 10/612,311 instead of 10/612,111.

Petitioner's evidence of a timely filing based on the postcard receipt is considered to be insufficient. In this regard, it is noted that the copy of the February 10, 2005 response is not signed and does not include a dated or executed Certificate of Mailing.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6587

KJD/rjc: 10/24/05